

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL TURNER,)	CASE NO. 1:19CV1731
)	
Petitioner,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	
)	
DAVID W. GRAY, Warden,)	MEMORANDUM OF
)	OPINION AND ORDER
Respondent.)	

CHRISTOPHER A. BOYKO, J.:

This matter is before on the court on Magistrate Judge William H. Baughman, Jr.'s Report and Recommendation (Doc. 10) to grant Respondent's motion to dismiss and to dismiss with prejudice Petitioner Michael Turner's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) as time-barred. Objections to the Report and Recommendation were due by July 27, 2020. Petitioner has not filed an objection to the Report and Recommendation.

Federal Rule of Civil Procedure 72(b) provides that objections to a report and recommendation must be filed within fourteen days after service. FED. R. CIV. P. 72(b)(2). There is no indication that Petitioner did not receive the Report and Recommendation. And yet, Petitioner has failed to timely file any objection. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be duplicative and an inefficient use of the Court's limited resources. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge (Doc. 10); **GRANTS** Respondent's Motion to Dismiss (Doc. 8); and **DISMISS with prejudice** Petitioner's Petition (Doc. 1) as time-barred.

The Court finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3). Since Petitioner has not made a substantial showing of a denial of a constitutional right directly related to his conviction or custody, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); FED. R. APP. P. 22(b); Rule 11 of Rules Governing § 2254 Cases.

IT IS SO ORDERED.

s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

Dated: August 17, 2020